IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.64 OF 2003

The State of Maharashtra ...Appellant

vs.

Rajendra Raosaheb Deshmukh and others ...Respondents

Mr.D.P.Adsule, A.P.P.for the Appellant-State.

CORAM: A.S.OKA,J.
DATE : DECEMBER 12,2006.

P.C.:

1. Heard learned A.P.P. for State in support of the prayer for grant of leave. The acquittal of the Respondents is for offence punishable under sections 7(i) read with sections 2(ia) (a), 2(ia) (m) punishable under sections 16 and 17 of the Prevention of Food Adulteration Act,1954. The allegation of the prosecution is that the Food Inspector purchased a sample of food articles including triple filtered groundnut oil (Utsav brand) from the first Respondent. The oil purchased by the Food Inspector was divided into the three equal parts and sent to the Public Analyst. It is alleged that the sample did not conform to the standard of groundnut oil as per the rules.

2. The learned Trial Judge found that the prosecution could not lead evidence to show that the sample bottles were cleaned and dried before the sample was poured in the bottles. The

prosecution did not examine the person who had washed and cleaned the sample bottles. This fact becomes relevant as the complainant Food Inspector admitted in the cross examination that he did not clean and dried the bottles on the spot before pouring the oil into the bottles. Therefore, the learned Trial Judge held that the mandatory provisions of Rule 14 of the rules under the said Act of 1954 were not complied with. Apart from this fact, the learned Trial Judge recorded a finding that there is non application of mind on the part of the authority which granted the sanction to prosecute.

3. The view taken by the learned Trial Judge is a possible which could have been taken on the basis of evidence on record. No case is made out for grant of leave. Appeal is dismissed.

JUDGE